
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
	)	File No.: EB-06-PO-120
Rod Irvin	)	
d/b/a D&R Communications, Inc.	)	Citation No.: C20073292001
	)	
Clackamas, Oregon	)	

CITATION

Released: November 16, 2006

By the Resident Agent, Portland Resident Agent Office, Western Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b) of the Communications Act of 1934, as amended (“Act”),¹ to Rod Irvin, d/b/a D&R Communications, Inc., for violation of Section 302(b) of the Act² and Section 2.803(a)(1) of the Commission’s Rules.³
2. An investigation by the Enforcement Bureau’s Portland Resident Agent Office revealed that on September 5, 2006, Rod Irvin, d/b/a D&R Communications, Inc., offered for sale non-certified Citizens Band (“CB”) transceivers, namely, Cobra 150 GTL DX and Cobra 200 GTL DX models. According to the Commission’s records, these devices have not received an FCC equipment authorization which is required for Citizens Band transmitters marketed in the United States.
3. Section 302(b) of the Act provides: “No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Rules provides that “...no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled...” Rod Irvin, d/b/a D&R Communications, Inc.’s offer for sale of these devices violates both sections.

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. §§ 2.803(a)(1).

Federal Communications Commission

4. Dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission's rules.⁴

5. Violations of the Communications Act or of the Commission's Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation, seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.

6. Rod Irvin, d/b/a D&R Communications, Inc. may request a personal interview at the closest FCC location to its place of business, namely:

Federal Communications Commission
Seattle District Office
11410 NE 122nd Way
Suite 312
Kirkland, WA 98034-6927

which can be contacted by telephone at XXX XXX-XXXX. Rod Irvin, d/b/a D&R Communications, Inc. may also submit a written statement to the Seattle District Office at the address indicated above, within 30 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violations outlined above. When corresponding with the Commission, case number EB-06-PO-120 should be referenced.

7. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁵ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁶

8. IT IS ORDERED that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Irvin, d/b/a D&R Communications, Inc., at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent
Portland Resident Agent Office

⁴ Section 95.655(a) of the rules states: "[CB] Transmitters with frequency capability for the Amateur Radio Services....will not be certificated." *See also Amendment of the Part 95, Subpart E, Technical Regulations in the Personal Radio Services Rules*, 3 FCC Rcd 5032 (1988).

⁵ *See* Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁶ *See* 18 U.S.C. § 1001 *et seq.*

Federal Communications Commission

Western Region
Enforcement Bureau